

Daine Crawley # 1167447
Name and Inmate Booking Number

NNCC

Place of Confinement

P.O Box 7000

Mailing Address

Carson City, NV 89702
City, State, Zip Code

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

Daine Anton Crawley # 1167447,
Plaintiff

vs.

- (1) Charles Daniels (NDOC Director),
(2) Brian Williams (NDOC Director of Operations),
(3) Robert Sune (NDOC Investigator),
(4) Kody Hollaway (NDOC Investigator),
(5) LT. Richard Ashcraft (NDOC LT.),
(6) Robert Robison (NDOC SGT) Defendant(s).
(7) Olsen (Warden of NDOC)

Case No. 3:22-CV-00530-MMD-CSD
(To be supplied by Clerk of Court)

**CIVIL RIGHTS COMPLAINT
BY AN INMATE**

- ☐ Original Complaint
☒ First Amended Complaint
☐ Second Amended Complaint

☒ Jury Trial Demanded and Inductive
Relief Requested

A. JURISDICTION

- 1) This Court has jurisdiction over this action pursuant to:
☒ 28 U.S.C. § 1343(a)(3); 42 U.S.C. § 1983
☐ 28 U.S.C. § 1331; *Bivens v. Six Unknown Named Agents*, 403 U.S. 388 (1971)
☐ Other: _____
- 2) Institution/city where Plaintiff currently resides: Northern Nevada Correctional Center Carson City, NV
- 3) Institution/city where violation(s) occurred: Warm Springs Correctional Center Carson City, NV

Make a copy of this page to provide the below
information if you are naming more than five (5) defendants

2) Defendant Charles Daniels resides at 5500 Snyder Ave Carson City NV 89701
(full name of first defendant) (address if first defendant)
and is employed as NDOC Director. This defendant is sued in his/her
(defendant's position and title, if any)
☒ individual ☒ official capacity. (Check one or both). Explain how this defendant was
acting
under color of law: At all times NDOC Director relevant

3) Defendant Brian Williams resides at 5500 Snyder Ave Carson City NV 89701
(full name of first defendant) (address if first defendant)
and is employed as Ass. Director. This defendant is sued in his/her
(defendant's position and title, if any)
☒ individual ☒ official capacity. (Check one or both). Explain how this defendant was
acting
under color of law: Asse. Director at all times relevant

4) Defendant Robert Suwe resides at 5500 Snyder Ave Carson City NV 89701
(full name of first defendant) (address if first defendant)
and is employed as Yard Investigator. This defendant is sued in his/her
(defendant's position and title, if any)
☒ individual ☒ official capacity. (Check one or both). Explain how this defendant was
acting
under color of law: yard Investigator at all times relevant

5) Defendant Kody Holloway resides at 5500 Snyder Ave Carson City NV 89701
(full name of first defendant) (address if first defendant)
and is employed as Yard Investigator. This defendant is sued in his/her
(defendant's position and title, if any)
☒ individual ☒ official capacity. (Check one or both). Explain how this defendant was
acting
under color of law: yard Investigator at all times relevant

B. DEFENDANTS

1. Name of ^{5th} ~~first~~ Defendant: Richard Ashcraft. The ~~first~~ ^{5th} Defendant is employed as:
L.T. at WSCC.
 (Position of Title) (Institution)
2. Name of ^{6th} ~~second~~ Defendant: Robert Robison. The ~~second~~ ^{6th} Defendant is employed as:
WDOC Sgt. at WSCC.
 (Position of Title) (Institution)
3. Name of ^{7th} ~~third~~ Defendant: Olsen. The ~~third~~ ^{7th} Defendant is employed as:
warden WSCC at WSCC.
 (Position of Title) (Institution)
4. Name of fourth Defendant: _____. The fourth Defendant is employed as:
 _____ at _____.
 (Position of Title) (Institution)
5. Name of fifth Defendant: _____. The fifth Defendant is employed as:
 _____ at _____.
 (Position of Title) (Institution)

If you name more than five Defendants, answer the questions listed above for each additional Defendant on a separate page.

C. NATURE OF THE CASE

Briefly state the background of your case.

WDOC is using unreliable and inadmissible drug test to punish and find inmates guilty of conspiracy/introduction of contraband I.E. (spice) into the facilities.
 WDOC is failing and/or refusing to provide Photos, written descriptions or any other probable cause for the withholding of mail and placement on aggressive investigations.
 WDOC is using A "Bath Salt" Drug test on incoming and out going legal mail to find inmates guilty of contraband write-ups. Mr. Crawley is filing this Complaint in regards to multiple due process violations on behalf of WDOC Staff (namely Robert Soue, Robert Robison, Richard Ashcraft, Charles Daniels, Brian Williams, Kody Holloway and Warden Olsen).

D. CAUSE(S) OF ACTION**CLAIM 1**

1. State the constitutional or other federal civil right that was violated: 14th Due Process Rights of Mr. Daine Anton Crawley were violated by multiple NDOC officials
2. **Claim 1.** Identify the issue involved. Check **only one**. State additional issues in separate claims.

<input type="checkbox"/> Basic necessities	<input type="checkbox"/> Medical care	<input type="checkbox"/> Mail
<input type="checkbox"/> Disciplinary proceedings	<input type="checkbox"/> Exercise of religion	<input type="checkbox"/> Property
<input type="checkbox"/> Access to the court	<input type="checkbox"/> Excessive force by officer	<input type="checkbox"/> Retaliation
<input type="checkbox"/> Threat to safety	<input checked="" type="checkbox"/> Other: <u>Multiple Due Process Violations</u>	
3. **Date(s) or date range** of when the violation occurred: October 2021 to Present
4. **Supporting Facts:** State as briefly as possible the FACTS supporting Claim 1. Describe exactly what **each specific defendant (by name)** did to violate your rights. State the facts clearly in your own words without citing legal authority or argument.

1) NDOC is using unreliable and inadmissible drug tests to punish and find inmates guilty of conspiracy / introduction of contraband I.E. Spice into NDOC facilities. Mr. Crawley became a victim of this two separate times in 2021.

2) NDOC is using a test called Ampule mmc - international 6.V Synthetic Narco Cathinones. A test from the Netherlands NDOC purports to be able to detect Cannabinoids.

3) This test is less accurate than witchcraft, phrenology, or simply picking a number out of a hat.

4) Interactions with innocuous chemicals commonly found in paper frequently create false positives - almost 80% of the time, according to the Sirchie Acquisition Company

5) NDOC has full knowledge of these issues, yet still uses this unreliable test to punish and find Mr. Crawley guilty of conspiracy / introduction of contraband I.E. Spice into NDOC facilities (on October 13th, 2021 Ampule Test was supposedly used.)

6) The use of this unreliable test to punish and find inmates guilty of major infractions is a direct violation of Due process rights protected by the U.S. Constitution, and it is known that Ampule mmc - international 6.V Synthetic Narco Cathinones test was used on Mr. Crawley's mail on at least two occasions from October 2021 - November 2021 yet "no" test results were ever produced to Plaintiff by NDOC staff at any point.

CLAIM 2

1. State the constitutional or other federal civil right that was violated: 14th Amendment Due process rights of Mr. Dine Anton Crawley

2. **Claim 2.** Identify the issue involved. Check **only one**. State additional issues in separate claims.

- | | | |
|---|---|--------------------------------------|
| <input type="checkbox"/> Basic necessities | <input type="checkbox"/> Medical care | <input type="checkbox"/> Mail |
| <input type="checkbox"/> Disciplinary proceedings | <input type="checkbox"/> Exercise of religion | <input type="checkbox"/> Property |
| <input type="checkbox"/> Access to the court | <input type="checkbox"/> Excessive force by officer | <input type="checkbox"/> Retaliation |
| <input type="checkbox"/> Threat to safety | <input checked="" type="checkbox"/> Other: <u>Multiple Due process violations</u> | |

3. **Date(s) or date range** of when the violation occurred: October 2021 to present date.

4. **Supporting Facts:** State as briefly as possible the FACTS supporting Claim 2. Describe exactly what **each specific defendant (by name)** did to violate your rights. State the facts clearly in your own words without citing legal authority or argument.

- 7) NDOC is failing and/or refusing to provide photo's, written descriptions or any other probable cause for withholding mail and placement on aggressive investigations.
- 8) NDOC issues a form to indicate "Unauthorized mail" on the date NDOC supposedly received the contraband with no other written description provided to Mr. Crawley.
- 9) This Unauthorized form fails to specifically inform Mr. Crawley as to what the Unauthorized mail is (card, magazines, letter etc.) or the amount of Unauthorized mail that was seized.
- 10) The form only indicates that the mail seized has been withheld and Mr. Crawley is now under investigation.
- 11) NDOC has a custom of refusing inmates like Mr. Crawley the right to examine evidence pertaining to "Synthetic Cannabinoids".
- 12) Noting that the right to present documentary evidence in prisoner's own defense must generally include the ability to obtain that documentary evidence in the first place (most notably photographic evidence)
- 13) NDOC inmates including Mr. Crawley have a Constitutional right to see the envelopes, letters, books, magazines or any other item in question or at least the copies thereof.
- 14) NDOC's denial and/or refusal to allow inmates to review evidence relating

MEMORANDUM OF POINTS AND AUTHORITIES

to "Synthetic Cannabinoids" is a direct violation of the Plaintiff's due process rights in the instant case. No secondary "Lab Test" was ever authorized by Director Brian Williams or Charles Daniels to confirm the validity of said ampule test despite many requests by Plaintiff Crawley throughout the disciplinary process to have such testing done at Plaintiff's expense.

CLAIM 3

1. State the constitutional or other federal civil right that was violated: 14th Amendment Due process rights of incarcerated individuals (Mr. Crawley)

2. **Claim 3.** Identify the issue involved. Check **only one**. State additional issues in separate claims.

- ☐ Basic necessities ☐ Medical care ☐ Mail
☐ Disciplinary proceedings ☐ Exercise of religion ☐ Property
☐ Access to the court ☐ Excessive force by officer ☐ Retaliation
☐ Threat to safety ☒ Other: Multiple Due process Violations

3. **Date(s) or date range** of when the violation occurred: October 2021 to present date

4. **Supporting Facts:** State as briefly as possible the FACTS supporting Claim 3. Describe exactly what **each specific defendant (by name)** did to violate your rights. State the facts clearly in your own words without citing legal authority or argument.

- 15) NDOC is using a "Bath Salt" Drug test on incoming and outgoing mail (both legal and regular mail) to find Mr. Crawley guilty of Contraband write-ups.
 16) Grievance # 2066 -31-31275 clearly establishes that NDOC has a custom and broken policy of testing outgoing legal mail. SGT. Robison lied about this particular mail testing positive for "Synthetic Cannabinoids" at November 16th, 2021 preliminary hearing.
 17) NDOC Investigator Robert Suwe used a "Synthetic Cannabinoids" ampule test which produced false positive results multiple times from October 2021 to November 2021 on Mr. Crawley's mail causing emotional distress and irreparable damages.
 18) The opening of Mr. Crawley's Outgoing Legal Mail outside of his presence is a Constitutional violation in itself. LT. Richard Ashcraft, R. Robison and K. Hollaway all participated in this violation on at least two occasions.
 19) The use of Ampule MMC - international 6.V Synthetic Narco Cathinones test that tests for "Bath Salts" on outgoing legal mail to convict and find Mr. Crawley guilty of major infraction is a clear violation of his rights.
 20) Moreover, NDOC officers R. Suwe, R. Robison, K. Hollaway, LT. R. Ashcraft and Director(s) C. Daniels and B. Williams have provided no pictures, test results or any evidence pertaining to OIC# 501633 IR# IR-2021-WSCC-001820 as required per AR 740. This evidence is mandated in regards to NDOC appeal (if truly exists).

If you assert more than three claims, answer the questions listed above for each additional claim on a separate page.

MEMORANDUM OF POINTS AND AUTHORITIES

- 21) The instant Complaint is based on three Key points ONE: NDOC is using Unreliable inadmissible "Ampule" drug test to punish and find Mr. Crawley guilty of Conspiracy / Introduction of Contraband into Warm Springs Correctional Center on 10/13/21, and 11/10/21 for "outgoing legal Mail" false testing. Two: NDOC is failing to provide photo's, written descriptions or any other evidence for the withholding of mail and placement on investigations. Three: NDOC is using a "Bath Salt" drug test on incoming and outgoing mail (legal and regular mail) to find Mr. Crawley guilty of major disciplinary infractions that resulted in irreparable damages and Statutory Credit forfeiture. This test does not test for "Cannabinoids" Synthetic at all.
- 22) These Constitutional violations are a direct result of NDOC's created government policies and customs which amount to deliberate indifference on behalf of NDOC.
- 23) These customs and policies are persistent, widespread and deeply ingrained
- 24) All named defendants (R. Suwe, R. Ashcraft, C. Daniels, R. Robison, B. Williams, K. Hollaway and Olsen) have either supervised, ratified or directly supported these arbitrary customs and policies.
- 25) Defendant Charles Daniels as NDOC director, Defendant Brian Williams as Second Level grievance responder, Defendant Robert Suwe as WSCC investigator (lied in his 028 report seen in OIC# 501633), Defendant Kody Hollaway as charging officer of OIC # 502792, Defendant LT. Richard Ashcraft as disciplinary officer, Defendant Robert Robison as hearing officer OIC# 502792 and Defendant Warden Olsen as Inmate Request Form responder to due process violations at Warm Springs Correctional Center, in October 2021 - November 2021.
- 26) Please review the Grievances and hearing Summary for 10/13/21 incident in question,

E. PREVIOUS LAWSUITS

1. Have you filed any other lawsuits while incarcerated? ☒ Yes ☐ No
2. Has this Court or any other court designated you as subject to "three strikes" under 28 U.S.C. § 1915(g)? ☐ Yes ☒ No
3. If you have "three strikes" under 28 U.S.C. § 1915(g), does this complaint demonstrate that you are "under imminent danger of serious physical injury?" ☐ Yes ☒ No

F. REQUEST FOR RELIEF

I believe I am entitled to the following relief: ¹⁾ Direct NDOC to adjourn and/or expunge all records of "Synthetic Cannabinoids" test ampule on all mail (legal) and provide secondary test results. Award meritorious credits that may have been earned during this futile disciplinary appeal process and sanctions imposed. ²⁾ Order NDOC to stop using "Ampule Test" to punish. ³⁾ Award damages in the amount of \$70,000.00 to Mr. Crawley for any equitable, just, compensatory damages and monetary relief the Court deems appropriate. ⁴⁾ Injunctive Relief immediate stop of using "Ampule Test" and \$10,000.00 for emotional distress to Mr. Crawley for loss of family contact during 2021 calendar year.

I understand that a false statement or answer to any question in this complaint will subject me to penalties of perjury. **I DECLARE UNDER PENALTY OF PERJURY UNDER THE LAWS OF THE UNITED STATES OF AMERICA THAT THE FOREGOING IS TRUE AND CORRECT.** See 28 U.S.C. § 1746 and 18 U.S.C. § 1621.

(name of person who prepared or helped prepare this complaint if not the plaintiff)

(signature of plaintiff)

2/23/23
(date)

ADDITIONAL PAGES

You must answer all questions concisely in the proper space on the form. Your complaint may not be more than 30 pages long. It is not necessary to attach exhibits or affidavits to the complaint or any amended complaint. Rather, the complaint or any amended complaint must sufficiently state the facts and claims without reference to exhibits or affidavits. If you need to file a complaint that is more than 30 pages long, you must file a motion seeking permission to exceed the page limit and explain the reasons that support the need to exceed 30 pages in length.